

30.07.2021

Court No.28
Item No.06
(Rejected)

Akd
&
As

CRM 2590 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Case No.SPL-118/2020 arising out of ECO Park P.S. Case No.222 of 2020 dated 05.12.2020 under Sections 376D/342/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of : **Sirajul Biswas.**

...Petitioner

Mr. Ashok Kr. Chowdhury.

...For the Petitioner

**Mr. Bivas Chatterjee,
Ms. Anushree Mondal.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Case No.SPL-118/2020 arising out of ECO Park P.S. Case No.222 of 2020 dated 05.12.2020 under Sections 376D/342/506 of the Indian Penal Code and Section 6 of the POCSO Act.

The petitioner submits that the alleged incident happened on 4.12.2020 where the First Information Report was registered on 5.12.2020 and the petitioner was apprehended on the same day. The petitioner has been falsely implicated in connection with the aforesaid case having no active role to play in commission of such offence.

The State opposes the prayer for bail. It is submitted that the petitioner along with three other persons have committed rape on the minor victim girl who was sitting on the fence of one of the plot at Eco Park.

After perusing the materials available from the Case Diary including the statement of the minor victim girl recorded under Section 164 of the Code of Criminal procedure, we do not think that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 2590 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)